

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**EDWARD GLEASON, SR.**

**APPELLANT,**

**v.  
TREASURER OF THE STATE OF  
MISSOURI - CUSTODIAN OF THE  
SECOND INJURY FUND**

**RESPONDENT.**

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DOCKET NUMBER WD77607

DATE: March 3, 2015

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Appeal From:

Labor and Industrial Relations Commission

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Appellate Judges:

Division One: Cynthia L. Martin, Presiding Judge, Thomas H. Newton, Judge and Mark D. Pfeiffer, Judge

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Attorneys:

Edward Gleason, Sr., Appellant Pro Se.

Kimberley Cox Fournier, Kansas City, MO, for respondent.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
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**EDWARD GLEASON, SR.,**

**APPELLANT,**

**v.**

**TREASURER OF THE STATE OF  
MISSOURI - CUSTODIAN OF THE  
SECOND INJURY FUND,**

**RESPONDENT.**

No. WD77607

Labor and Industrial Relations Commission

Before Division One: Cynthia L. Martin, Presiding Judge, Thomas H. Newton, Judge and Mark D. Pfeiffer, Judge

Edward Gleason, Sr., who appears *pro se*, appeals from the Labor and Industrial Relations Commission's decision denying his claim for permanent disability benefits from the Second Injury Fund following Gleason's 20- to 25-foot fall from the top of a railcar he was inspecting. Gleason complains that the Commission erred in concluding that his fall from a great height while performing duties of his work did not result in a compensable injury. Gleason asserts that, contrary to the Commission's conclusion, his injury was a result of falling from atop a railcar, which is a hazard or risk that is related to his employment and that he would not be equally exposed to in normal nonemployment life.

**REVERSE AND REMAND.**

**Division One holds:**

Under the statutes governing workers' compensation, an injury is compensable if it arises out of and in the course of employment. An injury meets that requirement if (1) it is reasonably apparent that the accident was a prevailing factor in causing the injury, and (2) the injury was not a result of a hazard or risk unrelated to employment that the employee would have been equally exposed to in normal nonemployment life. While an injury must satisfy both prongs to arise out of and in the course of employment, only the second requirement was at issue in this appeal.

The second prong requires a causal connection between the injury at issue and the employee's work activity. The causal connection must be stronger than the injury's mere occurrence at work. Instead, the injury must result from a risk source to which the employee is not exposed equally in normal nonemployment life. The risk source is the activity that caused the injury. Here, the risk source was standing atop a 20- to 25-foot railcar while performing work duties. Gleason is not equally exposed to standing atop a railcar in his normal nonemployment life. Thus, the injuries Gleason sustained as a result of falling from atop a railcar arose out of and in the course of his employment.

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